



STATE OF ALABAMA  
DEPARTMENT OF EDUCATION



Joseph B. Morton  
State Superintendent  
of Education

June 25, 2009

Alabama  
State Board  
of Education

**MEMORANDUM**

**TO:** City and County Superintendents

**FROM:** Thomas R. Bice <sup>TRB</sup>  
Deputy State Superintendent of Education

**RE:** HB 47 – School Nurse Bill

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During the recent School Superintendents of Alabama (SSA) Summer Conference, several questions arose related to the implementation of the new school nurse legislation. The following questions and answers are in response to the questions gathered during the SSA Conference and will serve as the Alabama Department of Education's official implementation guidance.

1. Are school systems required to employ one nurse per 500 students?  
No. The 1 to 500 ratio is part of a funding formula, but it is the ultimate goal of the school nurse program so that one day every school in Alabama will have a school nurse.
2. Can an RN be employed in a position that is advertised requiring an LPN?  
Yes. However, should an RN be employed in a position advertised for an LPN, the RN must be paid at the RN level on the salary matrix. Also be aware that although a position is advertised and offered as an LPN, if it is an RN filling that slot he/she will still be responsible for performing duties commensurate with that of an RN since such duties cannot be ignored as set forth in the *Alabama Nurse Practice Act*.
3. Must each school system employ a Lead Nurse?  
No. The law states that each local school superintendent designate one registered nurse for the school system whose responsibilities shall include annually providing a full and comprehensive assessment of all student health needs within the system. Based upon the assessment findings, the designated nurse shall make a recommendation to the local school superintendent concerning the implementation and coordination of student health needs.
4. Can the school nurse staffing of the school system be changed annually?  
Yes. The school nurse staffing should be reflective of the assessment information of all student health needs within the system as stated in Question #3.
5. Can school nurses obtain continuing service status?  
Yes. School nurses are considered support staff defined as "those whose duties require twenty (20) or more hours in each normal working week of the school term..." and fall under the *Fair Dismissal Act*.
6. Can a nurse be employed in a non-nursing position and function in the capacity of a nurse?  
No. Licensed nurses who are employed in non-nursing positions may not perform the activities of a licensed nurse in that position. The nurse employed is restricted to the activities described in the job description for that specific position. Nurses who are no longer actively licensed have no such conflict.

I hope this provides clarity to the questions posed, but should you have any further questions, please direct those questions to my office for an official response.

TRB:LAK

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